

REMARKS

Claims 20 and 22-37 are presently in the case. Claim 21, said to be allowable if rewritten in independent form, is now canceled and the subject matter combined with independent Claims 20 and 33. Thus, independent Claims 20 and 33, and all of the claims dependent thereon should be in condition for allowance.

I. The Interview

The personal interview which the Examiner graciously extended on May 17, 2006, to the below signed attorney and Mr. Simon Kay, the Intellectual Property Manager of the assignee of this application, is acknowledged with appreciation. Pursuant to the requirements of 37 CFR 1.133(b) and MPEP §713.04, a complete written statement of the reasons presented at the interview warranting favorable action together with a substance of the interview are presented below.

At the interview, an embodiment of the present invention was stated to be that depicted in Fig. 8 which discloses a bubble level 90 having a bubble vial 20 oriented for measuring the plumb

of a surface, and viewable when looking at a side face of the spirit level body. Mounted to the body of level 90 is an optical transfer element 92 that extends in an external body area. In Fig. 8, this optical transfer element is a mirror 94 which when viewed transfers an image of the central portion of bubble vial 20 to a viewing plane 96 generally parallel to the level face.

A three vial prototype bubble box type level was shown and demonstrated at the interview. This bubble level which had a general appearance as that depicted in Fig. 8 with a plumb vial mounted at one end of the level. A mirror was mounted on hinges soldered to the level body and could be rotated within the longitudinal plane of the level from a rest position against the level body to an operative position at an angle of about 45 degrees to the level body. It was clear from the demonstration that the plumb vial could be easily seen when looking at the surface being plumbed.

At the interview, all claims in the case, Claims 20-37, were discussed, with the focus being on Claims 20 and 21. Claim 20

was also briefly discussed with respect to Fig. 8 in the application and the prototype level being demonstrated.

The prior art being discussed was Fairchild, Schrader, Anderson and Meeks. It was pointed out that all but the Fairchild level are I-Beam levels. Although the Fairchild level is a box level, when the disclosed mirror is used to read a bubble vial what is read is a level vial and not a plumb vial as presently claimed. The Fairchild level it is actually being used as a surveying instrument or sextant level. The mirror 110 (in the Figs. 9-11 embodiment) "allows the user to evaluate the horizontal level at a remote location...." It was thus argued that the Fairchild was inapposite, and the Examiner agreed as indicated in his comments in the Interview Summary Sheet.

It was also argued, with respect to Claim 21, which was to a box level, that the Schrader reference was inapposite because the entire thrust of the reference was to an attachable illuminating and reading device that had an extensively disclosed mounting structure that could only attach to an I-beam level. Thus, it

was argued that this reference does not apply to a box level,
such as claimed in Claim 21.

After performing a further search, the Examiner agreed with
Applicant's arguments regarding the patentability of Claim 21.

Accordingly, the Examiner stated in the Interview Summary
Sheet that Claim 21 would be allowable.

Also at the interview, as an aside, the Examiner was told
that the embodiment of the present application (i.e. that of Fig.
8) was not currently being produced, but that efforts were
underway to determine if such an embodiment could be manufactured
and sold. Further in this regard, drawings of different
embodiments of the present invention were shown to the Examiner
and he was told that a PCT application would shortly be filed.
If the Examiner desires that the drawings shown to him be made a
part of this case, they will be filed.

II. THE AMENDMENT

By this amendment, the substance of Claim 21 was added to both independent claims, Claims 20 and 33 and Claim 33 was further amended to add the requisite elements from Claim 20 so that the addition of Claim 21 could be incorporated therein. Thus, both independent claims are directed to a box level. Also, Claim 29 was amended to remove the redundancy to now Amended Claim 20, on which it depends.

However, in the amendment, two changes were made.

The first change changed the word "into" located at the last line of Claim 21 and in Claim 29 to "in." These claims claimed that the optical transfer element "extends into the outer body area." (Emphasis added) However, Claim 20 claims the optical transfer element as being fixed to the body and this creates an ambiguity. If the element extends "into" the outer body area, it must be fixed at the inner body area, and that is not the intent. However, it certainly does extend in the outer body area, and such broadening would certainly include the case where the optical transfer element was attached within the internal body

area. It is submitted that this broadening does not affect the arguments for patentability of the claims set forth above.

The second change made clear that the level body was rectangular in cross-section. In geometry terms, the body of the level of the present application is a rectangular parallelepiped. The easiest way to claim this is to simply state that the level has a rectangular cross-section. It is submitted that this broadening does not affect the arguments for patentability of the claims set forth above.

For the reasons mentioned above for the independent claims, it is submitted that each claim ultimately dependent on the independent claims are also in condition for allowance.

It is further submitted that none of the amendments add any new matter to the application and all amendments are supported by Fig. 8 and its description in the specification.

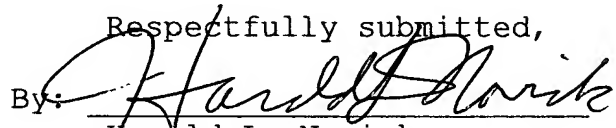
Appln. No.: 10/790,148
Supplemental Amendment dated May 18, 2006
Reply to Personal Interview held May 17, 2006

Atty. Docket No. 82505YY

III. CONCLUSION

Accordingly, it is submitted that this case is now in condition for allowance, and such action is respectfully requested. Should the Examiner have any further questions, he is requested to contact the undersigned so that the allowance and issue of this case can be accomplished as soon as possible.

Date: May 18, 2006
112 South West St.
Alexandria, VA 22314
Tel. (703) 548-6284

Respectfully submitted,
By: 
Harold L. Novick
Registration No. 26,011
Customer No. 20529